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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,542	09/02/2001	Ivo Agner	GS 0444 A US	1898

7590 10/23/2003

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EXAMINER

JOHNSON, VICKY A

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 10/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/945,542

Applicant(s)

AGNER, IVO

Examiner

Vicky A. Johnson

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 8-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 8-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kunii (US 5,957,260) in view of Mori (US 5,342,246).

Kunii discloses a control system for supplying a hydraulically-operated device with a working medium, said control system comprising: a pressure control valve (104), which can be controlled via a control means (100) by a control variable (current) in order to adjust a working medium pressure (CR) on the hydraulically operated device within a nominal pressure range and a maximum pressure range (col. 11 lines 3-19), wherein the maximum pressure range is between a system pressure value and the nominal pressure range (col. 2 lines 1-11), including an actuation means (114) for the pressure control valve or pressure reduction valve that actuates a valve body member (116) beyond a specified value of the control variable in such a way that with equal changes of the control variable the working medium pressure in the maximum pressure range changes more than in the nominal pressure range (col. 10 lines 63-67).

Kunii does not disclose a control conduit connected with the control means and extending between and connected with the actuation means and the pressure control valve or the pressure reduction valve for conducting a pilot pressure produced by the

control means to the actuation means and to the pressure control valve or pressure reduction valve.

Mori discloses a control conduit (30) connected with the control means (12) and extending between and connected with the actuation means (14) and the pressure control valve (10) or the pressure reduction valve for conducting a pilot pressure produced by the control means to the actuation means and to the pressure control valve or pressure reduction valve (col. 4 lines 18-68).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the control system of Kunii to include the control conduit connected with the control means and connected with the actuation means and the pressure control valve or the pressure reduction valve for conducting a pilot pressure as taught by Mori in order to modify the hydraulic pressure (col. 4 lines 58-68).

Re claim 9, Kunii shows the pressure control valve (104) includes a valve body member (108) that is operated by a control medium serving as a control variable (col. 8 lines 9-37).

Re claim 10, Kunii shows the pressure control valve (104) includes a valve body member (108) that can be controlled via an electric device (100).

Re claim 11, Kunii shows the control means is a proportional valve (102a) that modulates the control variable from a pilot variable (col. 11 lines 52-59).

Re claim 12, Kunii shows the pilot variable is a pilot pressure (CR) and wherein the control means is a proportional valve (102a) that can be controlled electrically (col. 11 lines 52-59).

Re claim 13, Kunii shows the proportional valve (102a) modulates the control medium pressure for the pressure control valve (104) from the pilot pressure as a function of its selection (see Fig 13).

Re claim 14, Kunii shows the valve body member of the pressure control valve includes (104) a pressure feedback surface (see Fig 11) onto which the working medium pressure is applied (from line 112).

Re claim 15, Kunii shows the actuation means is an on-off valve (114) and is arranged downstream from the pressure feedback surface (see Fig 11), and the actuation means is actuated by the control means (col. 10 lines 3-28), and wherein beyond a defined value of the control variable the pressure feedback to the pressure feedback surface is at least restricted (col. 10 lines 39-46).

Re claim 16, Kunii shows the on-off valve (114) can be controlled via the control medium pressure (col. 10 lines 3-28).

Re claim 17, Kunii shows the on-off valve (114) can be actuated electrically via the at least one control means (col. 10 lines 3-28).

Re claim 18, Kunii shows the hydraulically operated device actuates a step-less gear change means in an automatic transmission (col. 5 lines 44-52).

Re claim 19, Kunii shows a method for operating a control system comprising the steps of: controlling a pressure control valve (104), via a control means (100) by a control variable (current) in order to adjust a working medium pressure (CR) on the hydraulically operated device within a nominal pressure range and a maximum pressure range (col. 11 lines 3-19), wherein the maximum pressure range is between a system

pressure value and the nominal pressure range (col. 2 lines 1-11), including an actuation means (114) for the pressure control valve or pressure reduction valve that actuates a valve body member (116) beyond a specified value of the control variable in such a way that with equal changes of the control variable the working medium pressure in the maximum pressure range changes more than in the nominal pressure range (col. 10 lines 63-67) and Mori shows and renders obvious a pilot pressure produced by the control means to the actuation means and to the pressure control valve or pressure reduction valve (col. 4 lines 18-68).

Response to Arguments

3. Applicant's arguments with respect to claims 8-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

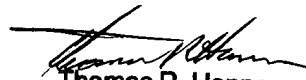
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (703) 305-3013. The examiner can normally be reached on Monday-Thursday (7:00a-5:00p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

vaj *10/10/07*


Thomas R. Hannon
Primary Examiner